IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

WEDNESDAY, THE 18TH JULY 2007 / 27TH ASHADHA 1929

WP(C).No. 611 of 2004(W)

PETITIONER:

KUNJU EZHUTHASSAN, POOKKUNNATH HOUSE,
PARUTHIPRA, KUMARANELLOOR P.O.
ENJAKKAD VILLAGE, WADAKKANCHERRY,
THRISUR DISTRICT.

BY ADV. SRI.D.SREEKUMAR.

RESPONDENTS:
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1. **THE REVENUE DIVISIONAL OFFICER,**
   THRISSUR.

2. **THE TAHSILDAR,**
   THALAPPILLY TALUK, WADAKKANCHERRY P.O.
   THRISSUR DISTRICT.

3. **THE SECRETARY,**
   WADAKKANCHERY GRAMA PANCHAYATH,
   WADAKKANCHERRY, THRISSUR.

4. **THE COUNCIL OF THE MEMBERS,**
   WADAKKANCHERRY GRAMA PANCHAYATH,
   REP. BY ITS PRESIDENT, WADAKKANCHERRY P.O.
   THRISSUR.

BY ADV. SRI.P.VIJAYA BHANU,
SRI.BIJU ZACHARIA. M,
GOVERNMENT PLEADER SMT. DEEPA.K.R.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 18/07/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C). NO.611/2004:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE ROUGH SKETCH PEFERRED BY TH VILLAGE OFFICER, ENJAKAD VILLAGE.

EXT.P.2: COPY OF THE PETITION SUBMITTED BEORE THE R.1. R.D.O. DTD. 26/05/2003.

EXT.P.3: COPY OF THE LETTER NO. A2/11970/03/L. DIS. DT. 23/09/2003 FROM THE R.1.

EXT.P.4: COPY OF THE REMINDER REQUEST SUBMITTED BY PETITIONER DTD. 01/12/2003.

RESPONDENT'S EXHIBITS:

EXT.R3.A: COPY OF THE REPORT DTD. 15/01/2004 OF THE COMMITTEE APPOINTED TO ENQUIRE ON THE ALLEGATION RAISED BY THE PETITIONER.

EXT.R3.B: COPY OF THE DECISION NO. 33/04 DTD. 19/01/04 OF THE PANCHAYATH.

EXT.R3.C: COPY OF ONE SUCH NOTICE DTD. 24/01/2004 SENT TO MUKUNDAN.

EXT.R3.D: COPY OF THE POSTAL SLIP DTD. 06/02/04 EVIDENCING THE LETTER SENT BY REGISTERED POST TO MUKUNDAN WAS RETURNED.

EXT.RE.E: COPY OF THE POSTAL SLIP DTD. 06/02/04 EVIDENCING THE LETTER SENT TO KARTHIAYANI WAS RETURNED.

EXT.R3.F: COPY OF THE LETTER DTD. 27/01/04 SENT BY THE PANCHAYAT TO THE VILLAGE OFFICER.

EXT.R3.G: COPY OF THE LETTER DTD. 12/10/04 SENT BY THE SECRETARY OF THE PANCHAYAT TO THE SUVEYOR.

EXT.R3.H: COPY OF THE LETTER DTD. 18/11/04 SENT BY THE PANCHAYAT TO THE TAHSILDAR.

EXT.R3.I: COPY OF THE APPLICATION SUBMITTED BEFORE THE TAHSILDAR FOR MEASURING THE LAND AND IXING THE BOUNDARY.

EXT. R3.J: COPY OF THE RECEIPT NO. 56122 DTD. 16/12/2005 ISSUED FROM THE ENGAKKADU VILLAGE OFFICE.

EXT.R3.K: COPY OF THE LETTER DTD. 20/02/2006 OF THE R.1. SENT TO THE PANCHAYAT.

W.P.(C). NO. 611/2004:

EXT.R3.L: COPY OF THE LETTER DTD. 01/03/2006 SENT BY THIS RESPONDENT TO THE R.1.

EXT.R3.M: COPY OF THE LETTER DTD. 01/03/2006 SENT BY THIS RESPONDENT TO THE TALUK SURVEYOR.

EXT.R3.N: COPY OF THE LETTER DTD. 01/03/2006 SENT TO HE VILLAGE OFICER, ENGAKKADU BY THIS RESPONDENT.

//TRUE COPY//

prv.

KURIAN JOSEPH, J.

W.P. (C). NO. 611 OF 2004

Dated this the 18th day of July, 2007.

J U D G M E N T

This writ petition is filed with the following prayers:

> i) To issue a writ of mandamus or any other writ order or direction commanding the respondents to take appropriate action on Exts. P2, P3 and P4 applications without any further delay.
>
> ii) To declare that petitioner being a beneficiary of public revenue pathway he is eligible and entitled to get the obstructions removed from the revenue pathway shown in Ext. P1 sketch.

2. According to the third respondent-Grama Panchayath, steps have already been taken by requesting to second respondent to measure the property and submit a sketch.

There will be a direction to the second respondent to take action on the request made by the Grama Panchayath in Exhibit R3(f) to measure and demarcate the property within a period of three months from the date of production of a copy of this judgment. Thereafter, respondents 1 to 3 shall take appropriate action for removing the obstruction caused in the property thus demarcated by the second respondent within another one month.

This writ petition is disposed of as above.

KURIAN JOSEPH, JUDGE.

smp